

2. Plaintiff brings this action to challenge Defendant's actions with regard to attempts by Defendant, a debt collector, to unlawfully and abusively collect a debt allegedly owed by Plaintiff, and this conduct caused Plaintiff's damages.
3. Defendant acted through its agents, employees, officers, members, directors, heirs, successors, assigns, principals, trustees, sureties, subrogees, representatives, and insurers.

JURISDICTION AND VENUE

4. Jurisdiction of this court arises pursuant to *15 U.S.C. 1692k(d)*, which states that such actions may be brought and heard before "any appropriate United States district court without regard to the amount in controversy," and *28 U.S.C. 1367* grants this court supplemental jurisdiction over the state claims contained therein.
5. Because Defendant conducts business in the state of Missouri, personal jurisdiction is established.
6. Venue is proper pursuant to *28 U.S.C. 1391(b)(1)*.
7. Declaratory relief is available pursuant to *28 U.S.C. 2201 and 2202*.

PARTIES

8. Plaintiff is a natural person who resides in Kansas City, Jackson County, Missouri, and is allegedly obligated to pay a debt, and Plaintiff is a "consumer" as that term is defined by *15 U.S.C. 1692a(3)*.
9. Defendant is a debt collector law firm and sought to collect a consumer debt from Plaintiff that was allegedly due and owing from Plaintiff, and Plaintiff is a "debtor" as that term is defined by *Cal. Civ. Code § 1788.2(h)*.
10. Defendant is a national company with its headquarters located in St. Paul, Minnesota.

11. Defendant uses instrumentalities of interstate commerce or the mails in any business the principal purpose of which is the collection of any debts, or who regularly collects or attempts to collect, directly or indirectly, debts owed or due or asserted to be owed or due another and is a "debt collector" as that term is defined by *15 U.S.C. § 1692a(6)*.
12. Defendant is a law firm debt collector that in the ordinary course of business, regularly, on behalf of itself or others, engages in debt collection as that term is defined by *Cal. Civ. Code §1788.2(b)*, and is a "debt collector" as that term is defined by *Cal. Civ. Code §1788.2(c)*.

FACTUAL ALLEGATIONS

13. Defendant constantly and continuously places collection calls to Plaintiff seeking and demanding payment for an alleged debt.
14. Defendant is seeking and demanding payment for an alleged debt that Plaintiff does not owe.
15. Defendant places collection calls to Plaintiff from a (941) 488-3863 telephone number.
16. Defendant places calls to Plaintiff and hangs up before leaving a message.
17. Defendant constantly and continuously identifies itself as "ICS" to Plaintiff.

COUNT I DEFENDANT VIOLATED THE FAIR DEBT COLLECTION PRACTICES ACT

18. Defendant violated the FDCPA based on the following:
 - a. Defendant violated *§1692d(5)* of the FDCPA by causing Plaintiff's telephone to ring repeatedly and/or continuously with the intent to annoy, abuse and/or harass Plaintiff because Defendant constantly and continuously places telephone calls to Plaintiff.

- b. Defendant violated §1692d(6) of the FDCPA by placing telephone calls without meaningful disclosure of Defendant's identity because Defendant failed to leave messages for Plaintiff identifying itself.
- c. Defendant violated §1692e(2)(A) of the FDCPA by falsely representing the character and amount of the debt because Plaintiff does not owe the alleged debt.
- d. Defendant violated §1692e(10) of the FDCPA by using false representations in an attempt to collect a debt because Plaintiff does not owe the alleged debt.
- e. Defendant violated §1692e(10) of the FDCPA by using deceptive means in an attempt to collect a debt because Defendant placed calls to Plaintiff and failed to leave messages
- f. Defendant violated §1692e(14) of the FDCPA by using a name other than the true name of Defendant's business because Defendant stated it was "ICS" and not its true name, "I.C. Systems" or "I.C. Systems, Inc."

19. As a direct and proximate result of one or more or all of the statutory violations above Plaintiff has suffered emotional distress (see Exhibit A).

WHEREFORE, Plaintiff, ELVIRA COLLINS, respectfully requests judgment be entered against Defendant, I.C. SYSTEM, INC., for the following:

- 20. Declaratory judgment that Defendant's conduct violated the Fair Debt Collection Practices Act,
- 21. Statutory damages pursuant to the Fair Debt Collection Practices Act, *15 U.S.C. 1692k*,
- 22. Actual damages,
- 23. Costs and reasonable attorneys' fees pursuant to the Fair Debt Collection Practices Act, *15 U.S.C. 1692k*

24. Any other relief that this Honorable Court deems appropriate.

RESPECTFULLY SUBMITTED,

By: /s/ Patrick Cuezze
Patrick Cuezze
Attorneys for Plaintiff
Krohn & Moss, Ltd.
10635 Santa Monica Blvd. Suite 170
Los Angeles, CA 90025

DEMAND FOR JURY TRIAL

PLEASE TAKE NOTICE that Plaintiff, ELVIRA COLLINS, hereby demands trial by jury in this action.

VERIFICATION OF COMPLAINT AND CERTIFICATION

STATE OF MISSOURI)

Plaintiff, ELVIRA COLLINS, states the following:

1. I am the Plaintiff in this civil proceeding.
2. I have read the above-entitled civil Complaint prepared by my attorneys and I believe that all of the facts contained in it are true, to the best of my knowledge, information and belief formed after reasonable inquiry.
3. I believe that this civil Complaint is well grounded in fact and warranted by existing law or by a good faith argument for the extension, modification or reversal of existing law.
4. I believe that this civil Complaint is not interposed for any improper purpose, such as to harass any Defendant(s), cause unnecessary delay to any Defendant(s), or create a needless increase in the cost of litigation to any Defendant(s), named in the Complaint.
5. I have filed this Complaint in good faith and solely for the purposes set forth in it.
6. Each and every exhibit I have provided to my attorneys which has been attached to this Complaint is a true and correct copy of the original.
7. Except for clearly indicated redactions made by my attorneys where appropriate, I have not altered, changed, modified or fabricated these exhibits, except that some of the attached exhibits may contain some of my own handwritten notations.

Pursuant to 28 U.S.C. § 1746(2), I, ELVIRA COLLINS, hereby declare (or certify, verify or state) under penalty of perjury that the foregoing is true and correct.

02-28-2009
Date

Elvira Collins
ELVIRA COLLINS

VERIFIED COMPLAINT

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EXHIBIT A

I have suffered from the following due to, or made worse by, the actions of the Defendant's debt collection activities:

- | | |
|---|-------------------|
| 1. Sleeplessness | YES NO |
| 2. Fear of answering the telephone | YES NO |
| 3. Nervousness | YES NO |
| 4. Fear of answering the door | YES NO |
| 5. Embarrassment when speaking with family or friends | YES NO |
| 6. Depressions (sad, anxious, or "empty" moods) | YES NO |
| 7. Chest pains | YES NO |
| 8. Feelings of hopelessness, pessimism | YES NO |
| 9. Feelings of guilt, worthlessness, helplessness | YES NO |
| 10. Appetite and/or weight loss or overeating and weight gain | YES NO |
| 11. Thoughts of death, suicide or suicide attempts | YES NO |
| 12. Restlessness or irritability | YES NO |
| 13. Headache, nausea, chronic pain or fatigue | YES NO |
| 14. Negative impact on my job | YES NO |
| 15. Negative impact on my relationships | YES NO |

Other physical or emotional symptoms you believe are associated with abusive debt collection activities: _____

Pursuant to 28 U.S.C. § 1746(2), I hereby declare (or certify, verify or state) under penalty of perjury that the foregoing is true and correct.

Dated: 02-28-2009

Signed Name

Bela Elvira Collins

Printed Name